

NATURE INVERTED,

OR,

Judgement turned into Gall.

DELIVERED IN A

SERMON

At the Cathedral Church of *S^t. Peter* in *York*, up-
on Monday the 18th of *July*, 1670. being the
Summer Assize held before the Right
Honourable *Baron Turner* and
Baron Littleton;

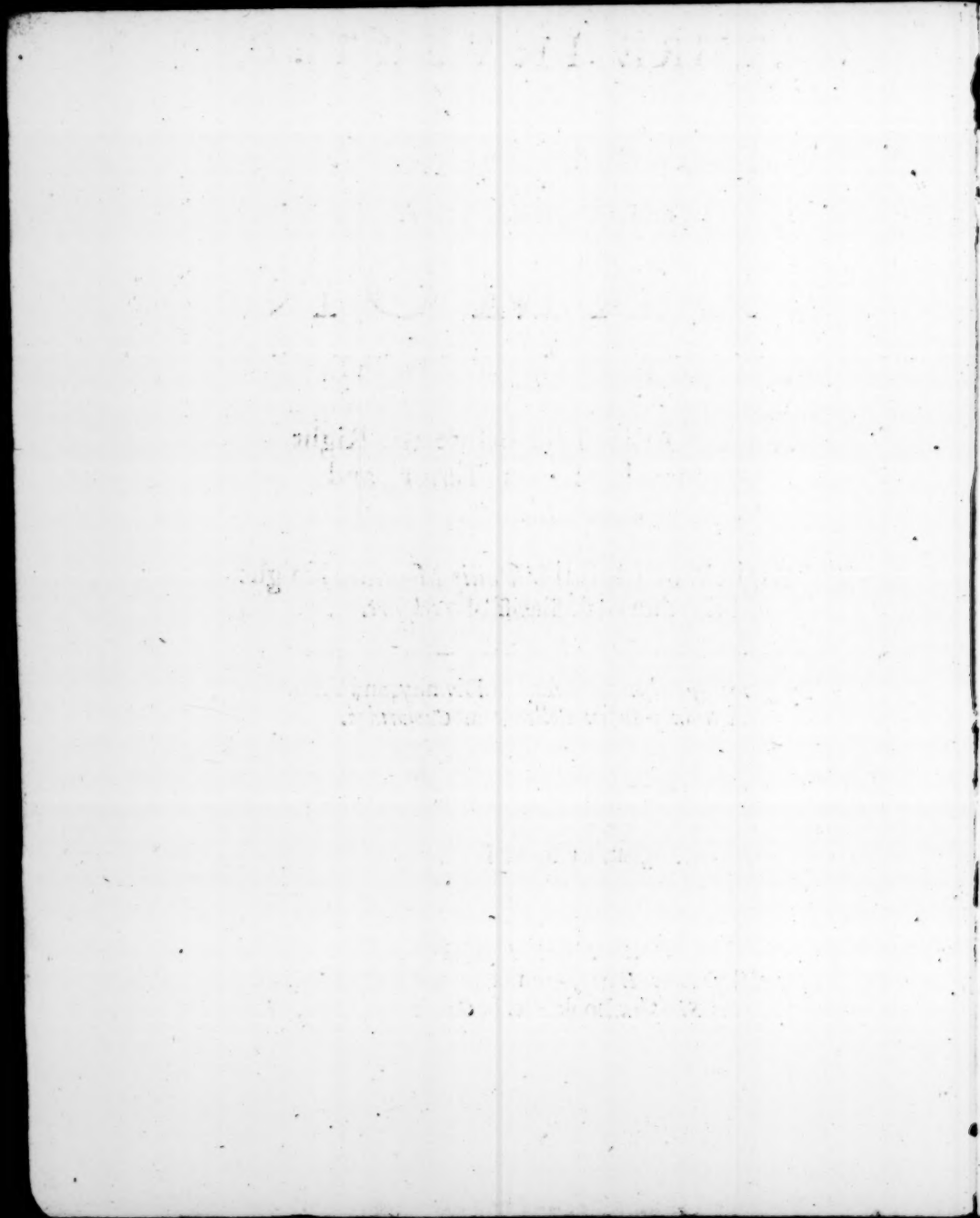
The Right Worshipfull *S^t. Philip Monckton* Knight
being then High-Sheriff of *Yorkshire*.

By *James Johnson* Bachelour in Divinity, and Fellow
of *Sidney-Sussex Colledge* in *Cambridge*.

Εγὼ ὅ ταῦτα ὑμῖν ἐπηγγέλλω, ὅτι ὅτι ἐγγὺν τοῦτο πᾶσι ὅ
ὑμῖν, ἀλλὰ μηδὲ συγχωρήσῃ ποτε ὁ Θεὸς τοῖς τοῖς εἰς αὐτοὺς ἐλ-
θεῖν τοῖς ἐμῇς. *Ignat. Epist. ad Trall.*

C A M B R I D G E,

Printed by *John Hayes*, Printer to the University, for
Samuel Simpson Bookseller in *Cambridge*, 1670.





Amos 6. 12.

Shall horses run upon the rock? will one plow there with oxen? for ye have turned Judgement into gall, and the fruit of Righteousness into hemlock.



His proverbial speech among the *Jews* (the like to which, as *Osiander* relates, they have among the *Germans*) used to express a thing *difficult* or *impossible*, seems at the first view, as *difficult* as the thing it *expresses*;

in loc.

and though it be a stile very suitable to the *Prophet*, who was a herd-man of *Tekoa*, to speak of *Horses* and *Oxen*, yet there seems to be as incongruous a connexion of that which is joyned with them: for what *coherence* is there betwixt *Horses* and *Judgement*; betwixt *Oxen* and *Righteousness*? or what *dependance* betwixt *running upon a rock*, and *turning Judgement into gall*; betwixt *plowing with Oxen*, and *turning the fruit of Righteousness into Hemlock*? The strangeness of which connexion according to the several aspects it bears, hath administred as diverse and strange apprehensions in the judgements of those

ch. i. v.

*Sept. 'Ev
Snd clare.
clim femol-
las ineunt.
nihil à
mente Pro-
pheta alie-
nius, Dru-
sius.*

that have plowed with their heifers to find out the riddle.

1. Some straining the words so far, as to interpret them to be a *prediction* of the rejecting of the *Jews*, and election or taking in of the *Gentiles*; the *Jews* being those, that like untamed *heifers*, would not submit their necks to the yoke of Gods law, which was as difficult for that stubborn and stiff-necked people to do, as for the wild ox (of which *S. Jerome* understands this place) to plow upon the rocks; and therefore Christ rejecting these, makes choice of the *Gentiles*, a people of a more tame and gentle nature, to bear his Evangelical yoke, and to them he says, *take my yoke upon you.*

2. Others conceive the Prophet by these words to express the *Israelites ineptitude* and *unfitness* for the performance of any good that was required of, or expected from them. They were like the *Prophet's girdle* hid at *Euphrates*, *marred*; or like the *pin* in *Ezekiel* made of the vine, *useless*, and good for no *thing*; they were (as the Psalmist speaks) *wise to do evil, but to do good, they had no understanding.* The

Jer. 13. 17. ox knew his owner, & the *ass* his masters crib, but *Israel* did not know, this brutish people did not understand. They misunderstood, or neglected their duty, and were as *unskilfull* in the choice, as *unfit* for the performance of it; their choice and wishes being like those of the *horse* and *ox*, mentioned by the *Poet*, *Optat ephippia bos piger, optat arare caballus.* And therefore to these creatures, the *Prophet* compares them, it being as impossible for them to do well, or run in the

in loc.
Quocirca
Christus re-
pudiatis
Judeis, iugi
evangelici
impatientibus,
quasi
bubalis, ele-
gis Gentes
quasi boves
cicures &
domitas, di-
xique illic
solite ju-
gum meum
super vos, v.
Ruper. à C.
à Lap. cit. in l.
Jer. 13. 17.
Ezek. 15. 3.
Telluris in-
vile pon-
das.

the ways of Obedience, as it is for *Horses to run upon the rock, or one to plow there with Oxen.*

3. Others apprehend the words as a *reproof* of their *folly*, in that they thought to advance themselves, or establish their kingdom by idolatry, oppression, and the like, mentioned *cb. 4.* which was a course as *foolish*, as a *horses running upon a rock*, and as *fruitless*, as *ones plowing there with oxen.* As though the *Prophet* had told them, how agreeable soever wickedness was to their *nature*, yet it was contrary to their *design*; they made use of very unlikely *means* to promote their *ends*; they were so far from advancing themselves by *impiety*, that they took the *readiest* and *most compendious* way to effect their *ruine*. They that think by fraud and injustice, by oppression and violence, by rapine and other wickedness to lay the foundation of their greatness, do thereby undermine those very foundations which they lay; they cannot set upon a more speedy and effectual way of *destroying* themselves, than by *practising* such attempts upon others.

4. Others understand the words as a *reproof* of their *gross security*, and *stupidity*, in that they thought, notwithstanding their sins, *God* upon the account of his *Covenant*, was bound to be propitious to them, and to load them with his benefits; they looked that themselves (like *Gideons fleece*) should be *wet with the dew of heavens blessing*, though all nations about them, were but as *dry ground*: Because *God* entred into league with their *Fathers*, they

therefore expected the *benefit* of that covenant, though they did not perform the *condition* of it. The *Prophet* at once refutes their *folly*, and condemns their *impiety*, telling them *God* could be unmindfull of that *Covenant*, seeing they on their parts had so hainously broken it; and whilst they were such *stupid* and *senseless rocks*, he could no more run on in the way of *blessing*, and *doing them good*, than *horses* could run on a rock, or one plow there with oxen, for they had turned judgement into gall, and the fruit of *Righteousness* into hemlock, he therefore must deal accordingly with them, he will recompense them according to their doings. The divine *Nemesis* will retaliate to men according to their offences. The secure sinner shall not always go unpunished, but receive the *effects* of his sin, adequate to the *nature* of it. As I have done (saith *Adonibezek*) so hath *God* requited me. And though the *Jews* here might think to escape better, and compound with *God* for their sins, and hope by their numerous sacrifices, and ceremonious worship to propitiate that *Deity* they had displeased, yet *God* tells them, though ye offer me burnt-offerings, and meat-offerings, I will not accept them, neither will I regard the peace-offerings of your fat beasts. Take thou away from me, the noise of thy songs: for I will not hear the melody of thy viols. But let judgement run down as waters, and righteousness as a mighty stream.

Judg. 1. 7.

ch. 5. 22.

Vincere
consuetudi-
nem dura est
pugna.

5. Others think the words to be an *exprobration* of their *accustomed courses* in sin, they had been so long inured to the *practise* thereof, as it was now difficult

or

or impossible for them to lose the habit. Can the Ethiopian change his skin, or the Leopard his spots? then may ye do well, that are accustomed to do evil. Can horses run upon a rock, or one plow there with oxen? Then may ye execute justice, that have turned judgement into gall; and do uprightly, that have turned righteousness into hemlock.

6. Others take the words to be a denunciation or threatening of the divine judgement, which should unavoidably overtake them. It is as impossible for such sinners, as you are, to stand out Gods judgements, and go free, as 'tis for horses and oxen to run, or plow on a rock. Which judgement some conceive to be either,

1. General, in the unsuccessfulness of their affairs and undertakings, wherein their labours should be as fruitless, and endeavours as successless, as a horse or oxen's running or plowing upon a craggy rock. According to that threatening in Deut. They should be cursed in the city, and in the field, in their basket and in their store, in their going out, and in their coming in. Quicquid calcaverint, spina fiet. Nihil eorum (as Mercer) que acturi sunt, sit illis successurum, ut si quis per rupes equum concitet, aut arietem in rupe bobus, quod frustra sine fructu fecerit. Or else,

Deu. 28.
16, 17.

2. A particular judgement by destruction from their enemies, either the Assyrians, as S. Cyril, or other Adversaries, as Arias Montanus thinks, who, as 'tis in the preceding verse, should smite the great house with breaches, viz. their Kings and Princes, Judges and Nobles, or (as some understand it) the Priests

Διὰ τῆς τοῦ
Ασσυρίων
πρόσφορο
χρησῆς, πάλιν
ἡμᾶς
ἀναπειθεῖς
λέγων, εἰ
διὰ ξοῦται
ἐν πύργοις
ἱπποὶ.
S. Cyril.
Alex. in l.

Priests and Levites, or (as others extend it) the whole ten Tribes of Israel; *and the little house with clefts*, viz. the lower and inferiour rank of people (as *Albert. Mag.*) or the laity among the *Israelites* (as *Lyra*) or the two Tribes of *Judah* and *Benjamin* (as *Drusius* and *Grotius*) the destruction of the Great House (according to the latter of these) being referred to the time of *Salmanassar*, as that of the little one is to the army of *Sennacherib*.

And now though the *Israelites* might boast of their power and strength by reason of *Feroboam* their Prince, who had gotten great victories, and enlarged the Territories of their Kingdom: yet (as 'tis *v. 13.*) they *rejoyced in a thing of nought*, for the courage and strength and success of their enemies should be such, that they should besiege their gates, beat down their strong holds, and lay their palaces in the dust. *The City* (in which they might hope to take sanctuary) *should be delivered, with all that was therein*; the city or hill of *Zion* wherein they were *at ease*, or the *mountain of Samaria* wherein they *trusted*, and the *rocks* in which they placed their *confidence*, should be so brought down, and as it were levelled by their enemies, that even in a literal sense *horses* might *run*, or *oxen* *plow there*. Which effects would not seem *strange* to them, if they did but consider their sins, the cause thereof, which were more *strange and monstrous*.

Thus when Judgement and Righteousness the two bulwarks of a Nation are thrown down; when men change the order and nature of Justice and equity

ty into that which is most opposite and contrary thereto, 'tis no wonder if God for their punishment change the very order of nature, and to make his judgements wonderfull (as is threatned, *Deut.* 28.) cause through a multitude of enemies, even *horses* to run upon a *rock*; and men to *plow* there with *oxen*.

7. Others judge the words to be a *complaint* of the Prophets *unsuccessfulness* in his *reproofs* which were frustrated by them. They were become so degenerate in their *principles*, so depraved in their *practises*, so stupified in their *minds*, and so hardned in their *hearts*, that his words were but as thrown against a *rock*, or as water spilt upon the ground; rebuking of them, was as if one did sing a song to a deaf man, so that instead of *reprehending* them, he is ready to *reprove* himself, for that mispense of labour that was cast upon those, who were so desperately corrupted, that they turned all the good presented to, or bestowed upon them into evil, so that his endeavours herein were as *successless* as a *horse's running upon the rocks*, and as *ineffectual* as ones *plowing there with oxen*.

8. *Lastly*, Others look upon the words as a *charge* drawn up against them for their grand *injustice* and *cruelty*, in that they had overturned all law and right, and were become such monsters therein, as if they had changed the very order of law and nature; They had so corrupted all *judgement*, overthrow all *right*, undermined all *laws*, that thereby (as the *Psalmist* speaks) all the foundations of the earth were out of course: for

B

they

- Ch. 8. 4. they did not onely privately swallow up the needy, and make the poor of the land to fail, endeavouring to buy the poor for silver, and the needy for a pair of shoes, making also the Ephah small, and the Shekel great, and falsifying the balances by deceit; but
- Ch. 5. 12. they did publickly afflict the just; they took a bribe, and turned aside the poor in the gate (the place of open and publick judicature) from their right. They turned judgement into wormwood, and left off righteousness in the earth; or (as the Prophet here expresses it) they turned judgement into gall, and the fruits of righteousness into hemlock, they made that which in it self is sweet and pleasant, as nauseous and distastfull to God, as gall and hemlock are to the tafts of men.
- Ch. 5. 7.

In which charge drawn up against them may be considered,

1. The specification of their Sin.
2. The nature and quality of it.

1. The Specification of it. The Prophet thinks it not sufficient to tell them onely they are sinners, but charges that sin upon them, for which they are most *notorious*. Discourses at large and in *general*, seldom make impression upon any in *particular*; *generalia non pungunt*: Such a reproof is like the flourishing or brandishing of a sword in the air, none is pierced or wounded by it; a close and particular *application* is requisite for *conviction*; as in the course of the law general accusations will ground no actions, for if a man be accused, 'tis not sufficient to say

say he is a malefactor, but he must be charged with particulars; so the Prophet according to that method, when he arraigns these sinners here, he frames an indictment against them of *notorious* and *personal* offences. Men generally take great exceptions against this kind of dealing, especially they that are in power and authority, such as those against whom the Prophet here draws up his accusation, which notwithstanding is not stifled by any awe of their *power*, or suppressed by any fear of their *greatness*. If they be *great*, he is the messenger of one that's *greater*, and therefore if they be bold in *sinning*, it well becomes him to be so in *reproving*. Those that are advanced above the ordinary pitch of men in the world, think the addition of their outward fortune (which is often all the worth they have to boast of) must exempt and privilege them from the rebukes which come from those that in any secular respect are below them; accounting it a diminution of their greatness to be taxed with any crime, as though the *reproof* of their *sin* were a greater dishonour, than the *commission* of it.

It is the folly of men that they had rather be *flattered* in their vices, than *reproved* for them, especially if they be so notorious as the world takes notice of them. These magistrates here could happily have been content that the Prophet had inveighed against some other sin, wherein they had not been concerned, thereby to justify themselves in their own eyes, whilst they heard others condemned for that, of which their own thoughts proclaimed

them guiltless; but when he comes so close unto them, as to touch their *guilt*, and thereby to gall their *conscience*, this proves as bitter and distastfull to them, as their injustice and oppression did to others.

Such like entertainment this kind of dealing had from *Ahab*, who upon that account esteemed *Elijah* his enemy, and for the same reason was so incensed against *Micaiah*, as he could not endure him.

1 Kings 21. 26.
1 Kin. 22. 8.
Gal. 4. 16. The *Galatians* entertained hard thoughts of Saint *Paul* for it, and looked upon him as their enemy *because he told them the truth*. The mistaken world counts it *love* and *respect* to forbear *reproof*, and *hatred* and *ill will* to tell men their *faults*;

Satius est
solem non
lucere,
quam Chry-
sostomum
non docere.
Plal. 141. 5
Prov. 27. 6. But *David* who knew how to make a better estimate herein, counts such his chiefest friends, *Let the righteous smite me, it shall be a kindness, let him reprove me it shall be an excellent oyle*; and *Solomon* his son confirms the same, *Faithfull are the wounds of a friend*; and *God* himself hath made this not onely a part of our *duty*, but a signe of *friendship* and *amity*, *thou shalt not hate thy brother, thou shalt in any wise rebuke thy neighbour, and not suffer sin upon him*. *Peccata permittere non est mansuetudo, sed crudelitas*; to cut and lance apostemated wounds and fretting sores, 'tis not *cruelty* but *mercy*. As he that binds a man in a phrensie, or awakens one in a lethargy, though he troubles both, yet he shews more *mercy*, than *disquiet* to them. *Ligatur phreneticus, stimuletur lethargicus, ambo offenduntur, sed ambo diliguntur*. And how *unwelcome* a messenger soever the Prophet might be to these here, or how

Lev. 19. 17
Recede à
me, inquit
languidus
lethargicus,
obsecro te,
recede à
me. S. Aug.
de verbis
Dom. se-
cund. Joan.
fer. 59.
dis-

disgustfull his message, yet he is so far from flatter-
ing them in their greatness, or soothing them in their
vices, that on the contrary he points out unto them
the deformity of their vices, and the stain of their
greatness, even their injustice and oppression, that
they had turned judgement into gall, and the fruits
of righteousness into hemlock.

2. Which leads, secondly to the consideration of
the nature and quality of their sin, which is of great
extent, and like the sin of our first parents, hath ma-
ny others included in it. This is

1. *Inversio nature*, an inverting and changing of
nature it self; This is to alter the essence and being
of things; to reduce the creation, as much as is pos-
sible, into its Primitive *Chaos* and confusion; to take
away all distinction of right and wrong; to call
evil good, and good evil; to put bitter for sweet, and
sweet for bitter, darkness for light, and light for
darkness; 'Tis to make *Candida de nigris*, & *de*
candentibus alba. 'Tis a stranger inversion of nature
than for horses to run, or oxen to plow upon a rock.
God hath imprinted in the natural consciences of
men notions of right and equity, and he blots out,
and obliterates these, that make so strange a
metamorphosis, as to turn judgement into gall, and
righteousness into hemlock. This is

2. *Abusus legis*, an abuse of the law. Which is
abused

1. By a bare pretence unto it, which is a crime so
much the greater, by how much it does the more
closely lurk and throud it self under that which is
in-

intended for its prevention, thereby making the law a partner with it in the transgression. Such cunning oppression under the specious colour of justice, is one of the greatest dishonours can be laid upon the law, which yet is most commonly done by those that pretend to be the chief preservers of it, who instead of being *instruments of justice*, become *engines of cruelty*, which they act the more *safely* and *securely*, because under a pretence of *equity*, being herein like the *bush* or *bramble* in the Fable, that, instead of sheltering the sheep from the storm, tears the fleece from it; such greedily feed upon other mens *wants*, live by other mens *losses*, and as the common souldier complained against *Pompey*, *miseria nostra magnus est*, they grow great by other mens *miseries*. It was one of the aggravations of *injustice* that Saint *Cyprian* complained of in his time, that *inter leges ipsas delinquitur, inter jura peccatur, nec innocentia illis, ubi defenditur, reservatur*. As there is no *impiety* like that *impiety* that is committed in Gods *sanctuary*, so no *injustice* like that *injustice* whereby men in the *midst* of laws sin against law, and do *injustly* in the *Courts of Justice*.

Ad Donat.
l. 2. Ep. 2.

To erect an high Court of pretended *Justice* to condemn *Royal innocence*, is so much the greater *injustice*, by how much under that disguise it would appear to be the *less*. *Pretences* of justice alter not the *nature* of actions, though they may set a fair *gloss* upon them: The *Devil* is not at all the better for appearing in *Samuel's* mantle; no more are mens fraudulent actions for having the law as a cloak to
cover

cover them; by the help of which they generally arrive at a greater *height* and *perfection* of wickedness, than they could otherwise attain to. Under the protection of this, a crafty *pleader*, like *Tertullus*, will argue any thing *injuriously*; a spitefull *prosecutor*, like *Sanballat*, will suggest any accusation *falsly*: a confident *witness*, like those against *Naboth*, will swear any thing *boldly*: a tame or heedless *jury*, like the *Jews* against our *Saviour* will swallow down any thing *rashly* and *inconsiderately*: a craving *Scribe*, or corrupted *Officer*, like him in the *Gospel* that writ fifty for an hundred, will for a *tacite* bribe foyst in any thing *secretly* and *unjustly*: by reason whereof, though the *Judge* in these cases be not like *Felix* that expects a reward *privately*, but administers justice without by *respects* and *impartially*, yet can he scarce *binder* (though he may complain as *Dioclesian* the Emperour, that *pessimis servis cantus & optimus venderetur imperator*) but that justice will sometimes be perverted, and judgement turned into gall.

2. The law is abused by an *unnecessary* use of it, when men bring trifling and frivolous suits, not worthy the Magistrates cognizance to the Judgement seat; so that let the judgement be what it will, it must needs in some measure prove gall to the parties concerned in it; for even he that gets the conquest by so chargeable a remedy, shall thereby be a loser; a man's *relief* by such means being heavier than the *injury* it removes; for it often happens, as he in the story said, *ut tu victrix provincia plores*. In which cases

In vita
Pyrrhi.

cases such may have cause to answer the congratulations of their friends, as *Pyrrhus* (in *Plutarch*) did his after he had gotten two famous victories over the *Romans*, "Αν ἐπὶ μιᾷ μεγάλῃ, Ρωμαῖους νικῶσιν, ἀπὸ πολλῶν μικρῶν πολεμῶν." if they should get a few more such victories, it would be to their utter ruine. And if such quarrelsome and contentious spirits (with whom there is no more ado, but a word and an action, a trespass and a process) will not be so favourable to themselves as to forbear such trivial actions, it were well if *Judges* would take *Gallio's* course, and drive such actours from the Judgement seat. We go not to the Physician for every ail, and small distemper, no more should we to the law for every petty quarrel and slight offence.

It's a strange opinion that hath possessed the minds of many (not to say most) men, that when they please they may sue for their own, and lawfully contend for their right, and he is accounted a good and just man that seeks after no more: but if this be universally understood, and in all cases, it will not hold true. For the rules of equity as well as of Christianity oblige us to yield oftentimes in such things wherein by law we might stand, and to forgo such things which by law we might require, without which equity, justice and peace could not consist. Equity hath a power of over-ruling, that liberty which the law gives, and enjoyns us in many cases to recede from our right for the upholding and preserving either of publick peace or private. And therefore

fore they that always make use of the law to get their own, are not so just, as they would seem to be, for that which is done by law, is not always justly done.

Quod jure fit, non semper iuste. To go to the law for trifles; so likewise to steal law upon others, and surprize them unawares; or to make use of the law as the first remedy of justice, which is ordained to be the last; or to enter suits before any overtures of peace and agreement be made, whereby many are forced into the Courts, that would willingly satisfy by private order, as much or more, than they are compelled by publick. Such proceeding is not δικαιο but ἀνελε-
δικαιο, not justice but extremity; for as to make use of the law for a cause sufficient, and where right is denied, is justice and equity; so to make use of it for trifles, and when other remedies may be had, is extremity, and so an injury.

3. The law is abused by an undue suspension and suppression of it, which likewise is a perverting of justice, and turning judgement into gall, for suppressing of the law is oppressing of those that should be preserved by it, and according to the Jewish proverb, *בַּיָּמִין בִּשְׁלֵי רֵינָה* pernoctante judicio, cessat judicium. When waters are stagnant, they presently cause a stink and putrefaction, and when the law is stopp'd in its course, the streams which should run down like a river, prove like the waters of Marah, bitter and unpleasant. Currat lex (as an eminent Judge of our own nation once answered the letter of some great Lords writ in behalf of their friend) or according to the Emperour's Motto, *Fiat justitia, pereat mundus;*

mundus; let the law have its course and justice be done, be the consequents or parties concerned in it what they will.

There are two usual obstructours of the law, *fear* and *favour*, neither of which must stop its passage.

Ecclus
4. 9.

The greatness of any must not cause *fear* in those, to whom the inspection and execution of the law is committed. Deliver him that suffereth wrong from the hand of the oppressour, and be not faint hearted, when thou sittest in judgement, says the wise son of *Sirach*.

Fear regards more the greatness of the person, than the nature of the cause; to prevent which *Jethro* advises *Moses* to employ such in judicial affairs, as were men of courage אִישׁ חֵיזָק strenuous and undaunted, and *God* himself forbids the magistrate to fear the face of man, for the judgement is *God's*. It was a valorous resolution of *Papinianus*, that chose rather to die, than to excuse the parricide of the Emperour *Antoninus Bassianus*. And it was no less heroick act of those *Catholick Bishops* who being charged by the *Arrian* Emperour to condemn *Athanasius*, both without witness, and unheard, would rather hazard their estates, than by fear be betrayed to do that injustice.

Ecclus 4.
22.

Favour is another obstructer of the law, which when it is observed, judgement must needs be perverted. Accept no person against thy soul, & let not the reverence of any man cause thee to fall, as that wise man advises. It was a strange message that *Agessilaus* the *Lacedemonian Prince* (a man otherwise justly renowned for his good government) wrote to some *Justice*

Justice or Officer of State in favour of *Nicias*; *Niciam, si insons est, dimitte, si sons, meâ causâ dimitte, utcumque dimitte*. If *Nicias* be not guilty dismiss him; if guilty, yet for my sake dismiss him: however let him be dismissed. But as the law (which is the *dumb magistrate*) is made without respect of persons, so should the *magistrate* (which is the *speaking law*) execute it without favouring of them, punishing a *grand oppressor*, νόμος ὅτι as well as a *petty purloiner*, an *haughty adulterer*, νόμος ἐπὶ as well as an *inferiour debauched person*, and laying the law to a *great Recusant*, as well as to a *poor schismatick or separatist*; and if such *great ones* were made *examples* of justice, and the laws not suppressed out of *fear* or *favour* to them, such severities would strike more awe & terrour into transgressours, then the punishing of an hundred underlings, and inferiour persons. Such should have no more favour shewed them than what *Galba* Governour of *Arragon in Spain* (the same as some think that afterward was Emperour of *Rome*) did to a condemned Gentleman that intreated he might not die the death of ordinary malefactours: he offered him onely this priviledge, that waving the common gallows, he should have one made *higher*, and if he would *carved* and *painted* too.

4. The law is abused by a too *severe execution* of it, when the extremity of it is prosecuted against any, that perhaps have done something contrary to the *letter* of the law, but not violated or contradicted the *end* of it, or *intent* of the law giver; in which cases if rigour should always be used, laws which are intended for the *behoof*, and *benefit*, would by such severe con-

struction become the *bane* and *ruine* of humane society; and judgement which of it self is *sweet* and *pleasant*, by such forcing and straining it, would be turned into *gall* and *bitterness*. *Wringing of the nose* (says *Solomon*) *bringeth forth blood*, and by wringing of the law, and making it a nose of wax to bend to the humour of every inconsiderate prosecutour, forceth blood, and thereby rather contracts a guilt, than takes any away. Our laws are not like *Tiberius* or *Caligula's* decrees, which were termed *furores*, *non judicia*; and therefore are they not without great necessity to be executed (as *Draco's* were said to be written) in blood; for by such proceedings *summum jus*, would be *summa injuria*. To prevent which not onely *ours*, but all well governed polities, have given some power, more or less, into the hand of the Magistrate, even in those *Courts* that were (as one speaks) *strictissimi juris*, according to the exigency of circumstances, and variety of occasions to qualify and mitigate something of the *severity* of laws by the rules of *equity*; wherein appears the great wisdom of *Law-makers*, who though they wisely foresaw the *mitigation* of the law, to be as necessary and requisite, as the *severity* of it, yet because of the proneness of all men to offend, thought it fit to express the *extremity* plainly and *literally*, thereby to keep men within the compass of obedience; but to leave the *mitigation* to the discretion of the magistrate *tacitely* and *secretly*, thereby to moderate *rigour* into *equity*: which is so far from *evacuating* the law, or *pervverting* justice, that it rather *establishes* and *confirms* it; for *equity* being of the essence of all laws, it
must

must either be directly expressed, or implicitly understood in them. These two have such near and close dependence upon each other, that like Hippocrates's twins, they live and die together; for (as the Philosopher speaks) *ἡ οὐκ ἀρχὴν, φύλαξ τῆς διαίτης, εἰ δὲ τῆς διαίτης, καὶ τῆς ἰσχύος.* The nature and essence of a law consists not in letters and syllables, but in the scope and intention of it. *Mens legis est ipsa lex;* and therefore for any by a cunning and sinister construction, by a forced and indirect interpretation either of laws or actions, *per verborum aucupia, & literarum tendiculas* (as Tully speaks) to protect injury, or wrong innocence, is to make the law, which is intended for a fence, become a snare, and to oppress that innocency, which it should protect.

Arist. Eth.
l. 5. c. 10.

Orat. pro
A. Caccina.
Scriptum
sequi, ca-
lumniato: is
esset boni
judicis, vo-
luntatem
scriptoris,
auctorita-
temque defen-
dere, &c. Id.

3. This sin of injustice and oppression, or turning judgement into gall, is *contemptus authoritatis*; it is an implicit contempt both of that divine and humane authority, by which laws are constituted. It is a spitting defiance in the face of Magistrates, and contemning of that power wherewith they are invested, which they who are guilty of such practises, think to elude, by outwitting the law, and those that sit to judge according to it. And such how do they hugg themselves in their private recesses, and inwardly applaud the dexterity of their wit, which is able to contrive the gaining of so great a conquest, as to make Magistracy it self accessory to their practises. Such, they deal with the Magistrate, as the Jews with our Saviour, suffer a scarlet robe to be put on him, and crown him with ensigns of authority, onely that he may thereby become a more

more ready object of *scorn* and *derision*. And what greater *opprobrium* can be offered to the *Magistrate*, than not onely to *nullify* and *evacuate* his power, but to *render* it *contemptible* and *ridiculous*.

But the contempt rests not here, it rises higher still, and reaches not onely to the *Judge's seat*, but to the *Throne* of the *Almighty*, and sets a mark of *contempt* and brand of *infamy* upon the several *attributes* of *God*, both his *wisdom*, and *power*, and *mercy*, and *justice*: for he that by fraud, or violence, or other indirect means (though under the covert of the law) invades or usurps upon the rights of another, does, so far as in him lies, without any warrant, frustrate and annihilate the gifts of *God*, and takes upon him to thwart and contradict his most wise Providence, setting up himself, as it were, in *God's* stead, and dethroning him, to erect and establish a new order of providence of his own, thereby *reproaching* his *wisdom*, as though *God* had not wisely enough dispensed his blessings; *questioning* his *power*, as though he were not able to maintain the injuriously oppressed against a furious adversary; *impugning* his *mercy*, as though he would not suffer *God* to bestow his largesses, but upon whom himself shall please; and *impeaching* his *Justice*, as though *God* would not take notice of, & repay those wrongs which are done upon the earth. And thou that, by a plea of judgement, dost these things, thinkest thou, that thou shalt escape the judgement of *God*? no, they that *honour* him shall be *honoured*, but they that thus *contemn* him, shall be *condemned* by him.

4. Lastly, this turning of judgement into gall, is, Frustration

fratio expectationis divina, a frustration of Gods expectation: God looks for grapes, but behold they bring forth wild grapes; so that (as it is, *Deu. 32.*) their vine is of the vine of Sodom, and of the fields of Gomorrah: their grapes are grapes of gall, their clusters are bitter, their wine is the poyson of dragons, and the cruel venime of aspes; or as the Prophet Isaiah expresses it, God looks for judgement, but behold oppression, for righteousness, but behold a cry; where by an unhappy mistake, they change (as the sacred language hath it) *מִשְׁפָּח* into *מִשְׁפָּח* and *צִדְקָה* into *צַעֲקָה*, instead of grapes, they bring forth thorns, and thistles instead of figs. They that are in authority should not be as the fruitless fig-tree that frustrated those expectations that were raised about it; nor as *Fotham's* bramble to rend and tear those that hope to find relief under their shadow. When any are put into offices of trust, or places of power, it is not to this end, that they should bear rule & sway over others at their pleasure but that they should be a succour & help to those that stand in need of, seek to, & depend upon them for their aid. God endues them with that power which others want, that they may make use thereof, to help those to right, who have not power to help themselves; and when any shall so far abuse this power, as to make use thereof to contrary ends, and instead of helping the injured to right, to take it from them; instead of being a refuge to them from the oppressour, themselves to turn oppressours, it is an high provocation and indignity offered to him, to whom they stand accountable for that power they have received from him; and who

expects some proportionable returns to be made unto him, and if they be made contrary to his expectation, how direful and sad will the account be? what a strange reckoning will the rich steward make, when God shall at last (as assuredly he will) require of him an account of his stewardship? Behold, thou hast given me five talents, and I have made them ten; and when the question shall be put, how, or by what means? what a strange and unaccountable return will it be to say, I have unjustly and injuriously robbed from my fellow-servants those few talents which thou gavest them: I have gained thus much by my violent maintaining a cause which thou *hatest*, and which my own conscience secretly told me was most *unjust*. So much I have wrung from others by extortion and oppression, by forged records, sycophancy or false accusation, by suborned witnesses, and such other unjust practises, which surely are fore evils, that are too commonly *done under the sun*.

And now for the *punishing* and *preventing* of these and such like practises, upon whom are the minds of the people set, but upon your *Lordships*? their eyes are *towards* you; their hopes are *in* you; their expectations are *from* you. In your known integrity and uprightness is their confidence placed for a redress of those injuries, which either through the *power*, or *pride*, or *malice*, or *revenge*, or *wrath*, or *cruelty* of oppressours have been either *felt* or *feared* by them. May your authority accordingly be made use of, to abate the *pride*, and suppress the *power*, and curb the *insolency*, and quell the *oppressions* of those that use (or rather abuse) their *power* and *might* to overbear and sway down *right* and *equity*: so that all may see that it is not the *fullest baggs*, or the *greatest friends*, or the *skilfullest pleaders*, that shall prevail beyond the merits of any cause, when they have to do with such upright *Judges* as your *Honours*, who will not suffer by indirect practises, judgement to be turned into gall, or the fruits of righteousness into bemlock.

Soli Deo Gloria.